



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, DECEMBER 14TH, 2006
6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:12 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Robert Horton, Mr. Michael Parks, Mr. Art Hughes, Mr. G.H. Jones, and Mr. Don Maxwell.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. John Dean, Transportation Planner; Mr. Randy Haynes, Staff Planner; Ms. Julie Fulgham, Staff Planner, Ms. Janis Hampton, Assistant City Attorney; and Ms. Helen Serna, Planning Recorder.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

Commissioner Clark filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #14, Rezoning RZ06-46. Commissioner Clark will not participate in deliberation or voting on this agenda item.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from workshop and regular meetings on November 16, 2006.

B. CONSIDERATION – Vacating Plat VP06-03

L. Guindi

Proposed vacating plat of College Park Center Subdivision consisting of 6.269 acres of land located at the northwest corner of East 29th Street and Joseph Drive in Bryan, Brazos County, Texas.

C. CONSIDERATION – Vacating Plat VP06-04

L. Guindi

Proposed vacating plat of Blinn College Bryan Campus Subdivision consisting of 73.68 acres of land adjoining the west side of the 2400-2500 blocks of East Villa Maria Road between William J. Bryan Parkway and East 29th Street in Bryan, Brazos County, Texas.

D. CONSIDERATION – Final Plat FP06-23

L. Guindi

Proposed final plat consisting of one 79.337-acre lot as well as right-of-way dedications for Joseph Drive and East 29th Street in Bryan, Brazos County, Texas.

Commissioner Jones moved to approve the Consent Agenda. Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF CONDITIONAL USE PERMITS (Commission has final approval; appeals may be directed to City Council.)

5. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU06-13

J. Dean

Conditional use permit to allow a duplex in a 'RD-5' Residential 5000 District located at 916 West 28th Street, Lot 1, Block 1 of the Pena Subdivision in Bryan, Brazos County, Texas.

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicant is requesting approval of a Conditional Use Permit to allow construction of a duplex on this tract in a 'RD-5' Residential District-5000 district. The applicant is also requesting Conditional Use Permits to allow duplexes on two nearby tracts. All three properties are currently vacant. Staff recommends approving all three requested Conditional Use Permits.

The public hearing was opened.

Mr. Van Walker, of 200 South Congress Street, Bryan, Texas came forward to speak against the request. Mr. Walker argued that the proposed duplexes would decrease the value of single-family homes in the area.

Mr. Ron Sanford, of Plantersville, Texas, (the applicant) came forward to speak in favor of the requests. Mr. Sanford stated he does not want to build anything would lower property values. He added that if his requests were denied, he would build single-family homes.

Mr. Jason Denman, of 913 W 28th Street, Bryan, Texas came forward to speak against the request. He advised the Commission that he just bought his house a couple of years ago and believes the duplexes would be a problem.

Mr. Ben Rios, of 4014 Brazos Street, Bryan, Texas came forward to speak against the request. He advised the Commission that he is a builder and believes that duplexes would bring the neighborhood down.

The public hearing was closed.

Commissioner Beckendorf moved to deny Conditional Use Permit CU06-13. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

6. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU06-14 **J. Dean**
Conditional use permit to allow a duplex in a 'RD-5' Residential 5000 District located at 920 West 28th Street, Lot 2, Block 1 of the Pena Subdivision in Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicant is requesting approval of a Conditional Use Permit to allow construction of a duplex on this tract in a 'RD-5' Residential District-5000 district. The applicant is also requesting Conditional Use Permits to allow duplexes on two nearby tracts. All three properties are currently vacant. Staff recommends approving all three requested Conditional Use Permits.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Benckendorf moved to deny Conditional Use Permit CU06-14. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

7. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU06-15

J. Dean

Conditional use permit to allow a duplex in a 'RD-5' Residential 5000 District located at 924 West 28th Street, Lot 3, Block 1 of the Pena Subdivision in Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicant is requesting approval of a Conditional Use Permit to allow construction of a duplex on this tract in a 'RD-5' Residential District-5000 district. The applicant is also requesting Conditional Use Permits to allow duplexes on two nearby tracts. All three properties are currently vacant. Staff recommends approving all three requested Conditional Use Permits.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Clark moved to deny Conditional Use Permit CU06-15. Commissioner Maxwell seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF VARIANCES (Commission has final approval; appeals may be directed to City Council.)

8. PUBLIC HEARING/CONSIDERATION – Planning Variance PV06-27

L. Guindi

A 10-foot variance from the minimum 50-foot driveway throat depth required on properties adjoining arterial streets, to allow a new driveway with a planned throat depth of 40 feet on two vacant lots located on the north side of the 1400 block of William Joel Bryan Parkway between State Highway 21 and Sandy Point Road, being Lots 3 and 4 in Block 4 of McCulloch's Addition in Bryan, Brazos County, Texas.

Ms. Lindsey Guindi, Planning Manager, presented a staff report (on file in the Development Services Department). Ms. Guindi advised the Commission that the applicant, Mr. Duron, desires to combine two lots into one new lot to accommodate a planned hair salon. Staff contends that, in this particular case, a driveway throat depth of only 40 feet will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. Staff believes that the proposed parking lot layout will provide enough stacking distance for egressing vehicles so that the first drive aisle and parking spaces on a site are not blocked. This minimizes the possibility of incoming vehicles queuing back onto William J. Bryan Parkway.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to approve Planning Variance PV06-27, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Commissioner Clark remarked that he feels this is an excellent use of this property and commended staff for doing an excellent job.

The motion passed with a unanimous vote.

9. PUBLIC HEARING/CONSIDERATION – Planning Variance PV06-28 **L. Guindi**

A 6,235-foot variance from the minimum 20,000-square foot size required of lots in 'C-3' Commercial zoning districts, to allow creation of a lot planned to be 13,765 square feet in size located on the north side of the 1400 block of William Joel Bryan Parkway between State Highway 21 and Sandy Point Road, being Lots 3 and 4 in Block 4 of McCulloch's Addition in Bryan, Brazos County, Texas.

Ms. Guindi presented a staff report (on file in the Development Services Department). Ms. Guindi advised the Commission that the applicant, Mr. Duron, desires to combine two lots into one new lot to accommodate a planned hair salon. Staff contends that granting the requested variance in this particular case will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. Staff believes that creation of this substandard lot will still allow reasonable development with small-scale commercial uses and make this site more useful for modern commercial development.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to approve Planning Variance PV06-28, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

10. PUBLIC HEARING/CONSIDERATION – Planning Variance PV06-29 **L. Guindi**

A 100.68-foot variance from the minimum 200-foot lot depth required of lots in 'C-3' Commercial zoning districts, to allow creation of a lot planned to be as few as 99.32 feet in depth. Site is located on two vacant lots on the north side of the 1400 block of William Joel Bryan Parkway between State Highway 21 and Sandy Point Road, being Lots 3 and 4 in Block 4 of McCulloch's Addition in Bryan, Brazos County, Texas.

Ms. Guindi presented a staff report (on file in the Development Services Department). Ms. Guindi advised the Commission that the applicant, Mr. Duron, desires to combine two lots into one new lot to accommodate a planned hair salon. Staff contends that granting the requested variance in this particular case will not be detrimental to the public health, safety or welfare, or materially injurious to

properties or improvements in the area. Staff believes that creation of this substandard lot will still allow reasonable development with small-scale commercial uses and make this site more useful for modern commercial development.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to approve Planning Variance PV06-29, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

11. PUBLIC HEARING/CONSIDERATION – Planning Variance PV06-30

J. Dean

A variance request from the minimum 25 foot front setback to allow the construction of a roof overhang which will encroach 11 inches into the setback at 1504 Brook Hollow, Lot 13, Block 3 of the Brook Hollow Subdivision in Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicants intend to install a handicap accessible ramp on the front of their home, and wish to extend the roof overhang so that it covers the ramp. The Land and Site Development Ordinance defines setback as being measured from the outside wall of the main building to the lot line, and the ordinance specifically allows roof overhangs of up to 18 inches. The applicants are proposing a 29 inch roof overhang. Staff believes that allowing this encroachment will have a minimal impact on the public health, safety or welfare, and that it will have no impact on properties and improvements in the area. Staff recommends approving this request for variance.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to approve Planning Variance PV06-30, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

12. PUBLIC HEARING/CONSIDERATION – Planning Variance PV06-31

R. Haynes

A variance request from the minimum 7.5 foot side setback to 5 feet for the reconstruction of a residence at 2513 Hardwood Drive, Lot 13, Block 1 of the Creekwood Estates Phase 2 Subdivision in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the applicant wishes to utilize an existing slab to construct a single family residence on the property. The house previously on the slab was destroyed by fire in April, 2004. Staff believes that allowing this encroachment will have no impact on the public health, safety or welfare, and that it will have no impact on properties and improvements in the area which are similarly developed with 5-foot side building setbacks. Staff recommends approving this request for variance.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to approve Planning Variance PV06-31, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF REZONINGS (Commission makes recommendation; City Council has final approval.)

13. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-38

J. Dean

A request to change the zoning classification from 'RD-5' Residential 5000 District & 'C-3' Commercial District to 'PD' Planned Development for 718 Ashford Hills, Lot 58 TR -210, Block 17 in the Zeno Phillips League in Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr Dean advised the Commission that the applicant is requesting to rezone approximately 6.5 acres of land from a combination of 'RD-5' Residential District 5000 and 'C-3' Commercial District to the 'PD' Planned Development District in accordance with the submitted development plan. The applicant intends to develop this site with single story commercial buildings, in which a variety of uses will be allowed. This development is intended to generally comply with the existing standards for the 'C-2' Retail district. Staff contends that the proposed Planned Development District is compatible with the existing land uses in the area. Significant landscaping and screening fences are proposed to mitigate any possible adverse impacts from this development. Staff recommends approval of this proposed Planned Development District in accordance with the submitted development plan.

The public hearing was opened.

Mr. Greg Taggart, of 2551 South Texas Avenue Suite A, College Station, Texas, applicant, came forward to speak in favor of the request. He advised the Commission that he is the developer working with the property owner. Mr. Taggart also advised there would be an 8-foot high fence with security lighting away from the residential neighborhood.

Ms. Laura Fisher, of 910 Wedgewood, Bryan, Texas came forward to speak against the request. Mr. Fisher advised the Commission that she is very opposed to this request and would like to see the land stay residential or vacant.

Ms. Hazel van Raeder, of 904 Wedgewood, Bryan, Texas came forward to speak against the request. Ms. van Raeder advised the Commission that the subject property adjoins her property and that the proposed development would decrease the value of her home.

The public hearing was closed.

Commissioner Beckendorf moved to recommend approval of Rezoning RZ06-38, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Responding to a question from Commissioner Parks, staff advised that the property owner will be responsible for the repair and upkeep of the proposed privacy fence.

Commissioner Bond stated that he envisions businesses open from 9 a.m. to 5 p.m. at this location should work out very well at this location.

Commissioner Clark stated that this land has been vacant for many years and added that the 45-foot wide buffer and landscaping should be sufficient to protect the adjacent residential neighborhood.

Responding to a question from Chairperson Hughes, staff advised that lighting be directed away from the adjacent residential neighborhood.

Commissioner Parks stated that there has been a lot of effort made to accommodate the residential neighborhood.

The motion passed with a vote of seven (7) in favor and one (1) in opposition. Commissioner Parks cast the vote in opposition.

14. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-46

J. Fulgham

A request to change the zoning classification from 'AO' Agricultural Open & 'I' Industrial to 'I' Industrial District for approximately 121 acres of land out of the W S Martin Survey located at the southeast corner of North Harvey Mitchell Parkway (FM 2818) and State Highway 6 in north Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham advised the Commission that the northwestern portion of the subject property is already zoned for industrial uses and is occupied by an industrial center comprised of several large warehouses. The applicant is requesting to rezone the entire property to an 'I' Industrial zoning district; this involves changing the zoning classification of the southeaster portion of this property from the 'A-O' districts to the 'I' district. Staff contends that Industrial zoning is appropriate for this entire tract to create a uniform zoning district at this intersection and provide opportunities for

continuous industrial uses compatible to the area. Staff recommends approving 'I' zoning for this entire tract, as requested.

The public hearing was opened.

No one came forward

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ06-46, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote. Commissioner Clark did not participate in deliberation or voting on this agenda item due to a conflict of interest.

15. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-48

J. Dean

A request to assign 'SC-B' South College-Business & 'DT-S' Downtown-South zoning classifications for four properties not currently zoned located along Tabor Road at the intersections with East 28th Street, East 29th Street, East 30th Street, East 31st Street & East 32nd Street, Blocks 271 thru 274 in Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that it had recently come to city staff's attention that five properties along Tabor Road have never been assigned a zoning district. This request is to assign a permanent zoning designation of 'DT-C' Downtown Civic District and 'SC-B' South College-Business for three and two of these properties, respectively. Staff believes the proposed zoning classifications will create uniformity in the zoning classifications in the area and allow appropriate land uses, while excluding those which would be incompatible with existing developments in this vicinity.

The public hearing was opened

Mr. Darryl Massey, of 1213 Garden Lane, Bryan, Texas advised the Commission that the agenda says 'DT-S' Downtown-South zoning classifications when it should have read 'DT-C' Downtown-Civic District.

The public hearing was closed.

Chairman Hughes stated that since the agenda item was posted incorrectly, the item is withdrawn from consideration at this time.

16. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-49

R. Haynes

A request to change the zoning classification from 'RD-5' Residential District - 5000 to 'R-NC' Residential Neighborhood Conservation District on all lots generally situated in the Briarcrest West Subdivision – Phase 1, located in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the owners within the Briarcrest West 1 Subdivision have submitted a complete petition for a City-initiated zoning change from 'RD-5' Residential District – 5000 to 'R-NC' Residential Neighborhood Conservation District on all 21 lots in this subdivision phase. Most of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving the requested rezoning.

Public hearing opened

No one came forward

Public hearing Closed

Commissioner Clark moved to recommend approval of Rezoning RZ06-49, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

PROPOSED AMENDMENT TO THE TEXT OF THE ZONING ORDINANCE (Commission makes recommendation; City Council has final approval.)

17. PUBLIC HEARING/CONSIDERATION

L. Guindi

Proposed amendment to the text of the Zoning Ordinance, specifically to add recovery facility as a conditional use in the 'I' Industrial and 'C-3' Commercial zoning districts, and providing a definition of a recovery facility.

Ms. Guindi presented a staff report (on file in the Development Services Department). Ms. Guindi advised the Commission that this proposed text amendment would add 'Recovery Facility' to the list of conditional uses in both the 'C-3' Commercial District and the 'I' Industrial District. A Recovery Facility will also be defined in the definitions section of the Zoning Ordinance as a facility that provides residential programs that provide care and training or treatment for psychiatric, alcohol, or drug problems but where patients are not supervised by sworn officers. Staff recommends approving the proposed text amendment.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to recommend adding 'Recovery Facility' to the list of uses allowed with Conditional Use Permit approval in 'C-3' Commercial Districts and 'I' Industrial Districts, and to provide a definition, as presented. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

PROPOSED UPDATE TO THE COMPREHENSIVE PLAN (Commission makes recommendation; City Council has final approval.)

18. PUBLIC HEARING/CONSIDERATION

L. Guindi

Proposed update to the Comprehensive Plan, including maps and policies intended to guide growth and development in the City of Bryan and its extraterritorial jurisdiction.

Ms. Guindi presented background information.

The public hearing was opened.

Ms. Sharon Anderson, of 2304 Cindy Lane, Bryan, Texas advised the Commission that the Comprehensive Plan recommends that certain variances be approved by City staff and cautioned that the public should be allowed to express their views. Ms. Anderson also stated her concerns about the maintenance code, which, in her view is another obstacle and added cost to residents.

The public hearing was closed.

Commissioner Clark moved to recommend adoption of the 2006 update to the Bryan Comprehensive Plan. Commissioner Beckendorf seconded the motion.

Commissioner Parks stated he is glad to see the adoption of the 2006 update to the Bryan Comprehensive Plan going forward.

Commissioner Beckendorf stated that he wanted to thank everyone involved for all the hard work that went into the Comprehensive Plan update.

Commissioner Clark stated that the Comprehensive Plan should not be used as a weapon but as a guideline.

The motion passed with a unanimous vote.

19. COMMISSION CONCERNS

Commissioners discussed achievements of the last 12 months.

20. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 8:15 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 4th day of **January, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission

DRAFT